

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ANTHONY THOMAS HOLT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 06-0337-CV-W-DW
	)	
FEDERAL BUREAU OF INVESTIGATION,	)	
	)	
Defendant.	)	

**ORDER**

On September 29, 2006, the United States Attorney filed a Response to this Court's Order to Show Cause. In its Response, the Government states that it was never served and this case should therefore be dismissed. On October 4, 2006, the Court ordered that Plaintiff respond to the arguments raised in Defendant's response within thirty (30) days. Plaintiff failed to respond.

Plaintiff has sued the Federal Bureau of Investigation ("FBI"). In order to properly serve an Agency of the United States, Plaintiff must deliver a copy of the summons and the complaint to the United States attorney for the district in which the action is brought or to an assistant United States attorney or a designated agent. Fed. R. Civ. P. (4)(2)(A) (requiring service as prescribed in Rule 4(i)(1)). If Plaintiff fails to serve the summons and complaint within 120 days of filing, the Court may dismiss the case, upon motion or its own initiative after notice to the Plaintiff, without prejudice. Fed. R. Civ. P. 4(m).

Defendant here has properly moved this Court for a dismissal. Since Plaintiff filed his Amended Complaint on May 4, 2006, Plaintiff had until September 24, 2006 to properly serve his Amended Complaint. According to Plaintiff's Certificate of Service, Plaintiff served only the Federal Bureau of Investigation and not any of the parties required by Federal Rule of Civil

Procedure 4(i)(1). Accordingly, Plaintiff's case against the Federal Bureau of Investigation is  
DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Date: November 21, 2006

/s/ DEAN WHIPPLE  
Dean Whipple  
United States District Court